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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,184	12/07/2001	L. Michael Maritzen	Sony-00600	6365

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Valley Oak Law  
5655 Silver Creek Valley Road, #106  
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EXAMINER
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HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/017,184

Applicant(s)

MARITZEN ET AL.

Examiner

Calvin L Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Status of Claims***

1. Claims 1-38 have been examined.

***Response to Amendments***

2. Applicant is of the opinion that the prior art of Barnes et al. does not read on Applicant's claim because Applicant's claims are dedicated to audio/visual content. The Examiner respectfully disagrees. To one of ordinary skill, "audio/visual" can be interpreted as "audio" or "visual", therefore as Barnes et al. teach a system for controlling access to visual content (column 6, lines 52-65; column 7, lines 10-13; column 10, lines 48-50; column 23, lines 50-67) Barnes et al. continue to read on Applicant's system.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 15, 23, 31, and 36-38 do not fall within the technological arts because no form of technology is disclosed or claimed. Although claim 1, for

example, recites “modules”, “locally managing account functions” and storing data, these terms are not limited to the computer arts therefore, the claim does not use a computer to produce a useful concrete and tangible result.

Claims 2-14, 16-22, 24-30 and 32-35 are also rejected as they depend from claims 1, 15, 23, or 31.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 15, 23, 31, and 36-38 recite “audio/visual” content and to one of ordinary skill, “audio/visual” can be interpreted as “audio” or “visual”. An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous (*In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) therefore, as the use of “/” can lead to multiple readings of the Applicant’s claims, the scope of Applicant’s claimed system is not clear.

Claims 2-14, 16-22, 24-30 and 32-35 are also rejected as they depend from claims 1, 15, 23, or 31.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-8, 13, and 15-38 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Barnes et al., U.S. Patent No. 5,970,475.

As per claims 1-8, 13, and 15-38, Barnes et al. teach a transaction device comprising:

- an account management module for locally managing account functions and a storage device connected to said module for locally storing account data (e.g. access data) from the account module (figures 2, 9, 10, and 13-21; column 6, lines 32-53; column 7, lines 1-8; column/line 11/22-12/19)
- an account management module for granting and enforcing access rights for viewing content (figures 9, 10, 13 and 16; column 16, lines 33-49)
- an account management module that grants and enforces spending rights, enforces a set of rules for modification of an account parameter (figures 9,

10, 13, 18 and 19; column 9, lines 29-50; column 16, lines 33-49; column 18, lines 35-67; column/line 22/46-23/3; column/line 23/50-24/15)

- a set of rules that includes a hierarchy of accounts (admin) and subaccounts (user) (figures 9, 10, 13 and 17-19)
- account parameters that include a level of authorization for content such as a spending level (figures 9, 10, 13, 16, 18 and 19; column 6, lines 12-33; column 16, lines 33-49; column 18, lines 35-67; column/line 22/46-23/3; column/line 23/50-24/15)
- an authentication module connected to the account management module for locally authenticating an identity of a user of the transaction device (figure 6A; column 18, lines 35-43)
- selecting a parameter (category designation, level status spending limit) (e.g. suppliers, spending limits) to control access to content from a local device, storing the parameter on the local device and comparing a content request to the parameter on the local device (figures 9-16 and 18; column 6, lines 12-33)
- checking an identification of a user of the local device (figure 6A and 9; column 18, lines 35-43)
- requesting content associated with a content request from a remote device or transaction privacy clearinghouse (e.g. website, financial

clearinghouse) in response to said request (figures 1-6B and 11; column 6, lines 11-26 and 45-52; column 23, lines 48-67)

- managing a plurality of accounts by selecting a single spending limit, or access control, for a plurality of accounts (figure 19)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes et al., U.S. Patent No. 5,970,475.

As per claims 9-11, Barnes et al. teach a procurement system, which provides users with different functionalities based on a user's roles within an organization (column 9, lines 30-55; column 16, lines 33-48). Further, users are prevented from unauthorized access to data by requiring users to authenticated themselves (figures 9, 10 and 13; column 16, lines 34-38; column 18, lines 35-43). However, Barnes et al. do not explicitly recite biometric authentication. Brown et al. teach a system for securing access to a network by requiring users to provide biometric (e.g. fingerprint, iris scan, voice, etc.) as well as password

authentication (figure 3; column 2, lines 11-27; column 3, lines 51-67; column 5, lines 3-13.) Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Barnes et al. and Brown et al. in order to improve security.

8. Claims 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes et al., U.S. Patent No. 5,970,475 in view of Boies et al. U.S. Patent No. 6,006,200.

As per claim 14 Barnes et al. teach a procurement system (abstract; figures 2, 3, and 5). However, Barnes et al. do not specifically recite customer anonymity. Boies et al. teach a method for providing customers with anonymity and privacy when making purchases over the internet (abstract). Specifically, Boies et al. use a privacy clearinghouse "connected" to an account management module (figure 2A) that is configured to complete a financial transaction with a vendor anonymously. Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Barnes et al. and Boies et al. in order to protect companies from unsolicited advertisements ('200, column 2, lines 1-10) and more efficiently procure items electronically by allowing users to use a single anonymous transaction identifier for transactions ('200, column 1, lines 13-51).



**Conclusion**

- 9 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

c/o Technology Center 2100

Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

(703) 746-5532 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5,  
2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Calvin Loyd Hewitt II

February 9, 2005

  
JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600